

Staffing and Classification -Frequently Asked Questions (FAQ's)

FMSHRC

1. How can I get a copy of my position description?

Your supervisor should be able to provide you with a copy of your position description. If a copy is not available, then he or she may request a copy by contacting the Commission's Administrative Office.

2. What if I believe my position description (PD) is not accurate?

You should discuss the content of your PD with your supervisor. Be prepared to explain what is inaccurate, but keep in mind that in many cases PD's are written in general terms to provide the maximum flexibility for management to assign duties. If your supervisor agrees that your PD is not accurate, he/she may submit a revised PD to human resources for reclassification.

3. What are merit staffing actions?

Merit staffing actions are those actions available only for candidates that already have civil service status. These types of actions may include promotions, reassignments, changes to a lower grade, transfers or reinstatements. Also see question #5 below.

4. Does veterans' preference apply to merit staffing actions?

No. Veterans' preference does not apply to merit staffing actions.

5. What is excepted service vs. competitive service?

Most civil service positions in the executive branch are competitive service positions. In order to be appointed into the competitive service, individuals must be selected from a competitive source such as a vacancy announcement open to the general public. Once in the competitive service, individuals can apply for positions at other agencies that are open only to individuals with civil service status (commonly referred to as merit staffing actions).

Excepted service positions are not subject to the regulations governing competitive service positions. Positions may be placed in the excepted service by OPM regulation, law, or executive order. Excepted service positions often do not require competition; therefore, individuals occupying excepted service positions are not eligible to apply for vacancies open only

to people with civil service status. Examples of excepted service positions are attorneys and student employees.

6. How do I tell if my position is in the competitive service or the excepted service?

You can look at block 34 of your most recent SF-50, Notification of Personnel Action. The type of position you occupy will be identified by one of the following codes:

- 1 Competitive Service
- 2 Excepted Service
- 3 SES General
- 4 SES Career Reserved

7. What is the difference between time-in-grade restrictions and specialized experience requirements?

Time-in-grade restrictions are intended to prevent excessively rapid promotions in competitive service positions and to protect competitive principles. Generally, an employee may not be promoted more than two grades within one year to positions up to GS-5. At GS-5 and above, an employee must serve a minimum of one year in grade before being promoted to the next higher grade level. For work experience to be creditable for time-in-grade purposes, it must have occurred in a Federal position.

A specialized experience requirement is one year of experience that equipped the applicant with the knowledge, skills, and abilities to successfully perform the duties of the position and is typically in or related to the work of the position to be filled. Specialized experience may have been earned in a Federal or a non-Federal job and includes volunteer work.

It is possible to meet specialized experience requirements, but not meet time-in-grade requirements or visa versa. For example, an individual who has been employed at the GS-7 level for 6 months could have an additional 6 months of non-Federal experience that together equals the one year of specialized experience requirement, but not have one year of time serving in the Federal service at the GS-7 level. In this example, the individual meets the specialized experience requirements, but does not meet the time-in-grade requirements.

8. How do I find out about job vacancies at FMSHRC?

All FMSHRC vacancy announcements are listed on OPM's website at www.usajobs.opm.gov.

9. How do I find out the status of my application?

You will receive notices regarding the status of your application at various intervals in the staffing process. You will receive a notice when your application has been received; when your application has been reviewed for eligibility and qualifications; when/if your application has been referred to the selecting official; and when a selection has been made. If you need to know the status prior to receiving a written notice, you may contact the human resources specialist listed on the vacancy announcement.

10. Can I apply under a vacancy announcement open only to CTAP and ICTAP candidates?

The Career Transition Assistance Program (CTAP) and the Interagency Career Transition Assistance Program (ICTAP) are designed to help Federal employees who have lost or are losing their jobs due to downsizing. All employees in this situation will receive a letter from their Human Resources office. Generally, if you do not fall into this category, you are not eligible to apply for these announcements. Any exception to this rule will be explained on the vacancy announcement.

11. What is a noncompetitive applicant?

A noncompetitive applicant is an individual who does not have to go through the rating process in order to be considered for a position. Keep in mind that even noncompetitive applicants must qualify for the vacancy. There are several situations that would give someone noncompetitive eligibility including:

- A current permanent Federal employee in the competitive service who is at or has promotion potential to the highest grade level of the vacant position;
- Generally, a person who served in a permanent, competitive service position in the past that was at or had promotion potential to the highest grade level of the vacant position; or
- A person who is eligible for non-competitive appointment under special hiring authorities such as the Veterans' Recruitment Appointment (VRA), disabled individuals, returned volunteers from the Peace Corps or VISTA, etc.

12. What is the difference between a detail and a temporary promotion?

A detail is a temporary assignment to a different position with no change in pay. An employee does not have to meet the qualification requirements of the position in order to be detailed to it.

A temporary promotion is an assignment to a higher graded position when the employee is paid at the higher rate for the duration of the promotion. An employee must meet the qualification requirements of the position in order to be temporarily promoted into it.

In the competitive service, an employee can have no more than 120 days in a noncompetitive temporary promotion or detail to a higher grade in a 12-month period. In order to temporarily promote an individual beyond the 120 days, the position must be advertised. The 120 day limitation does not necessarily exist in the excepted service.

13. What is a career ladder promotion and how do I know if my position is subject to a career ladder promotion?

A career ladder promotion is a promotion to the next higher grade level in a designated career path without competition. These promotions are intended to prepare the incumbent for the full performance level of the position (the career path's highest grade). Career ladders and the promotion potential of the career ladder must be made a matter of record. For example, a candidate may be selected for a position at the GS-7 level that has promotion potential to the GS-12 level. The candidate must progress through the career ladder path to reach the full performance level (GS-12). In this instance the career ladder path would be GS-7, GS-9, GS-11, and then GS-12. In other words, the incumbent may be promoted to each of these levels without having to compete with other candidates for the promotion.

To determine if your position is part of a career ladder and thus has noncompetitive promotion potential, you can:

- Refer to the vacancy announcement you applied under. The announcement should list the full performance level of the position;
- Refer to your position description (PD). Your PD should mention if it has promotion potential and list the PD numbers for the successive positions in the career ladder and the ultimate full performance level position; or
- Refer to the SF-50, Notification of Personnel Action, which documents your selection for the position. In the remarks section of the SF-50 it should state the promotion potential of the position. If your position has no promotion potential, the SF-50 should state that it is at the full performance level.

14. How do I know when I'm eligible for a career ladder promotion?

Generally, you must meet the following three criteria in order to receive a career ladder promotion. You must:

1. Complete at least one year at your current grade level;
2. Have at least one year of specialized experience at your current grade level or equivalent; and
3. Demonstrate the ability to perform satisfactorily at the next higher level.

A human resources specialist will determine when you have met the first two criteria and a notice will be sent to your supervisor. The supervisor will determine when the third criteria has been met.

15. What is rating and ranking?

Rating is the process of comparing a candidate's application to predetermined criteria in order to measure the level of the candidate's knowledge, skills, and abilities as they relate to the position being filled. The ultimate goal of rating applications is to identify the best candidates for a position being filled. Rating criteria are contained in a crediting plan. The rating process normally results in a numerical score. Ranking is the process of putting candidates in score order after they are rated.

16. Who does the rating and ranking of applications?

The person who is responsible for making the selection for a vacancy designates an individual or a rating panel to rate the applications. At least one of the raters will have expert knowledge of the duties and responsibilities of the vacant position. The human resources specialist ranks the applications in score order after the ratings are completed. In FMSHRC, if there are cases with 10 or fewer qualified applicants, the HR specialist will compare the applications with the rating guide. All applicants possessing a majority of the rating factors will be referred. If there are no well-qualified candidates, and further expansion of the area of consideration is not practical, all qualified candidates may be referred.

17. What if I don't agree with my rating?

Contact the human resources specialist listed on the vacancy announcement. The specialist and the rater will try to help you resolve any issue with your rating. Keep in mind that your rating is only based on the information you provided in your application. Raters may not use their own personal knowledge of you or of any position that you have held. If the issue is not resolved, you have the right to file a grievance under the FMSHRC administrative grievance procedures or a complaint under Equal Employment Opportunity complaint procedures. However, please note that

non-selection for promotion from a group of properly ranked and certified candidates is excluded from grievance coverage.

18. Where can I get more information about the staffing process?

General regulations covering employment are in Title 5 of the Code of Federal Regulations. FMSHRC employees may also consult FMSHRC's Merit Staffing Plan. The Plan is located on the Internet at <http://arc.publicdebt.treas.gov/files/pdf/fspds335-1.pdf>.